

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **March 8, 2005**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedication Request – Extension of Atherholt Road**

RECOMMENDATION: Approval of resolution to approve the street dedication request

SUMMARY: Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust, represented by Norman Moon, Milton Realty Service Company, is requesting to dedicate an extension of Atherholt Road, an existing public street off Langhorne Road. The proposed street would extend Atherholt Road, with seventy (70) feet of right-of-way, in a southerly direction for approximately 190 feet to its terminus at property owned by William H., Jr., and Sharon C. Burruss Revocable Living Trust.

PRIOR ACTION(S):

February 9, 2005: Planning Division recommended approval
Planning Commission recommended approval (6-0 with 1 member absent)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING THE PETITION OF SHARON C. BURRUSS, TRUSTEE, WILLIAM H., JR., AND SHARON C. BURRUSS REVOCABLE LIVING TRUST TO DEDICATE 0.275 ACRES AS RIGHT-OF-WAY FOR THE PROPOSED PUBLIC STREET EXTENSION OF ATHERHOLT ROAD, AN EXISTING PUBLIC STREET OFF LANGHORNE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust to dedicate 0.275 acres with seventy feet of right-of-way, approximately 190 feet in length, for the proposed public street extension of Atherholt Road, an existing public street off of Langhorne Road, be, and the same is hereby approved. The extension of Atherholt Road shall be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated November 19, 2004.

The dedication of the extension of Atherholt Road and its acceptance as a public street is contingent on Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Atherholt Road as a public street null and void.

Adopted:

Certified:

Clerk of Council

039L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: February 9, 2005
Re: STREET DEDICATION REQUEST – EXTENSION OF ATHERHOLT ROAD

I. PETITIONER

Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust, P. O. Box 4559, Glen Allen, VA 23058-4559

Representative: Norman Moon, Milton Realty Service Company, Inc., P. O. Box 4207, 7806 Timberlake Road, Lynchburg, VA 24502

II. LOCATION

The subject property is a proposed new lot containing 6.460 acres located at the western end of the existing Atherholt Road, off Langhorne Road.

Property Owner: William H., Jr., and Sharon C. Burruss Revocable Living Trust, P. O. Box 4559, Glen Allen, VA 23058-4559.

III. PURPOSE

The purpose of this petition is to dedicate 0.275 acres for right-of-way for the proposed public street extension of Atherholt Road, an existing public street off Langhorne Road.

IV. SUMMARY

- Petition agrees with the Subdivision Ordinance requirements for subdividing the property according to the existing B-1C, Limited Business District (Conditional) zoning.
- Petition agrees with the Zoning Ordinance requirements for the street frontage extension.

The Planning Division recommends approval of the public street extension request.

V. FINDINGS OF FACT

1. **Background.** Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust, represented by Norman Moon, Milton Realty Service Company, is requesting to dedicate an extension of Atherholt Road, an existing public street off Langhorne Road. The proposed street would extend Atherholt Road, with seventy (70) feet of right-of-way, in a southerly direction for approximately 190 feet to its terminus at property owned by William H., Jr., and Sharon C. Burruss Revocable Living Trust.

The last extension of Atherholt Road occurred in 2000 with a 440-foot extension to serve the Surgery Center at 2401 Atherholt Road.

2. **Zoning.** The subject property was rezoned from R-4, Multi-Family Residential District to B-1C, Limited Business District (Conditional) on May 28, 2002.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision and street dedication request.
4. **Proposed Use of Property.** The purpose of the subdivision and street dedication are to create New Parcel "B" for future development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a proposed plat showing the dedication of the Atherholt Road extension on December 21, 2004. The TRC noted the need for a few revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision and street extension:
- "City sewer will need to be extended to serve this lot. Contact Jim Talian at 455-3953 for information regarding the sewer extension."
 - "Dedicate City of Lynchburg sanitary sewer easement to serve this parcel."

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street extension of Atherholt Road, with seventy feet of right-of-way, approximately 190 feet in length, to be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated November 19, 2004. The dedication of the extension of Atherholt Road and its acceptance as a public street is contingent on Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Atherholt Road as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejamette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Official
Mr. Norman Moon, Representative

VII. ATTACHMENTS

1. "Plat Showing Division of Part of Westerly Acres"
(see attached plat by Hurt & Proffitt, Inc., dated 11-19-04)

MINUTES FROM THE FEBRUARY 9, 2005 PLANNING COMMISSION MEETING

These minutes have been reviewed but not approved by the Planning Commission

The purpose of this petition is to dedicate 0.275 acres for right-of-way for the proposed public street extension of Atherholt Road, an existing public street off Langhorne Road.

Mr. Tom Martin, City Planner, explained that this request was for a street extension of an existing road. He said the seventy foot right-of-way would serve a 6.4 acre lot, which was proposed for future development. Mr. Martin said the Planning Division did recommend approval of the street dedication.

Mr. Norman Moon, Milton Realty Service Company, represented the owner of the property, Burruss Trust. Mr. Moon said several years ago the property was rezoned to B-1, and in that rezoning, the owners proffered to dedicate the right-of-way to the extension of Atherholt Road. He said this land was being purchased by a group of doctors who had no immediate plans for the property. As a result of that, he asked if they could dedicate the road but not post the bond until the owners decided to develop the site.

Commissioner Flint asked if the intent of the extension of the road was to eventually tie into Alleghany Avenue.

Mr. Martin said the City had plans to extend Atherholt Road, which was included in the CIP. He explained that the typical procedure the City followed to insure a road was built was to require a bond. However, he added, since this was a special situation he would be willing to talk to the Engineering Department about delaying the bond until the construction began. Mr. Martin told the Commissioners that they needed to determine if the City should accept the right-of-way dedication.

Commissioner Worthington asked why the road had to be dedicated at this time.

Mr. Martin explained that in order for a lot to be subdivided, it must have frontage on an improved City street approved by the Planning Commission and City Council.

After discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street extension of Atherholt Road, with seventy feet of right-of-way, approximately 190 feet in length, to be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated November 19, 2004. The dedication of the extension of Atherholt Road and its acceptance as a public street is contingent on Sharon C. Burruss, Trustee, William H., Jr., and Sharon C. Burruss Revocable Living Trust filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Atherholt Road as a public street null and void."

AYES:	Bacon, Barnes, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	44°50'56"	234.83	300.00	228.88	N 75°13'14" W
C2	106°03'44"	444.27	240.00	383.50	N 00°14'05" E
C3	34°42'12"	193.82	320.00	190.87	S 15°09'24" W
C4	84°33'01"	51.65	35.00	47.09	S 40°04'48" W
C5	55°37'15"	242.69	250.00	233.27	S 28°28'49" W
C6	12°12'04"	101.15	475.00	100.96	N 48°11'25" E
C7	6°40'31"	27.98	240.00	27.95	N 49°27'32" W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 84°43'12" W	70.13
L2	S 34°01'32" E	10.84
L3	S 57°21'41" E	50.62
L4	S 13°21'55" W	70.41

B. A. LANGLEY TRUSTEE
OF LCS TRUST
DB 937 PG 491
TM# 005-01-04

LYNCHBURG REDEVELOPMENT
DB 597 PG 439
TM# 005-01-03

ENGINEERING & SURVEYING & PLANNING

HURT
PROFFITT
INCORPORATED
1325 LANCHESTER ROAD
SUITE 100
LYNCHBURG, VIRGINIA 24502
434.847.7796 FAX
434.847.2647 FAX

TATE SPRINGS ROAD ROW
(NOT OPENED)

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR SET
- EDGE OF PAVEMENT
- ⊙ SANITARY MANHOLE
- UG SAN. SEWER LINE

SHARON C. BURRUSS (TRUSTEE)
RESIDUE OF WESTERLY ACRES
DB 854 PG 79
TM# 005-01-002
SEE PLAT BY ADRIAN OVERSTREET
TITLED "PLAT OF RESIDUE WESTERLY
ACRES" AND DATED JULY 15, 1974"
(RESIDUE PARCEL)
PROPERTY ADDRESS 2409 ATHERHOLT ROAD
RESIDUE
38.443 ACRES (RECORD)

TAX MAP 005-01-02 45.205 ACRES (RECORD)
NEW PARCEL "B" -6.487 ACRES (SURVEY)
CITY OF LYNCHBURG -0.275 ACRES (SURVEY)
RESIDUE 38.443 ACRES (RECORD)
NEW PARCEL "B"
6.487 ACRES (SURVEY)
PROPERTY ADDRESS 2405 ATHERHOLT ROAD

SURGERY CENTER OF LYNCHBURG
DB 1148 PG 131
PC 6 SLIDE 268
TM# 005-01-14

LYNCHBURG HEALTHCARE INVESTORS,
C/O HEALTHPRIME INC
DB 995 PG 201
PC 4 SL 168
TM# 005-01-12

CVACP, L.L.C.
INSTR. #020010778
PC 7 SL 124
TM# 005-01-15

NOTE 'A': EXISTING TEMPORARY CUL-DE-SAC EASEMENT TO BE
ABANDONED WHEN ATHERHOLT ROAD IS EXTENDED AS PER PC 8
SLIDE 268. EXISTING TEMPORARY CUL-DE-SAC AREA WITHIN
NEW CITY OF LYNCHBURG R/W HEREBY ABANDONED

NOTE 'B': EXISTING PAVEMENT IN CUL-DE-SAC
ENCROACHES NEW PARCEL "B" APPROXIMATELY 3.5' AT
WIDEST POINT.

SUBDIVISION, EASEMENT & RIGHT-OF-WAY DEDICATION PLAT APPROVED:

DIRECTOR OF ENGINEERING, LYNCHBURG, VIRGINIA DATE

CITY PLANNER, LYNCHBURG, VIRGINIA DATE

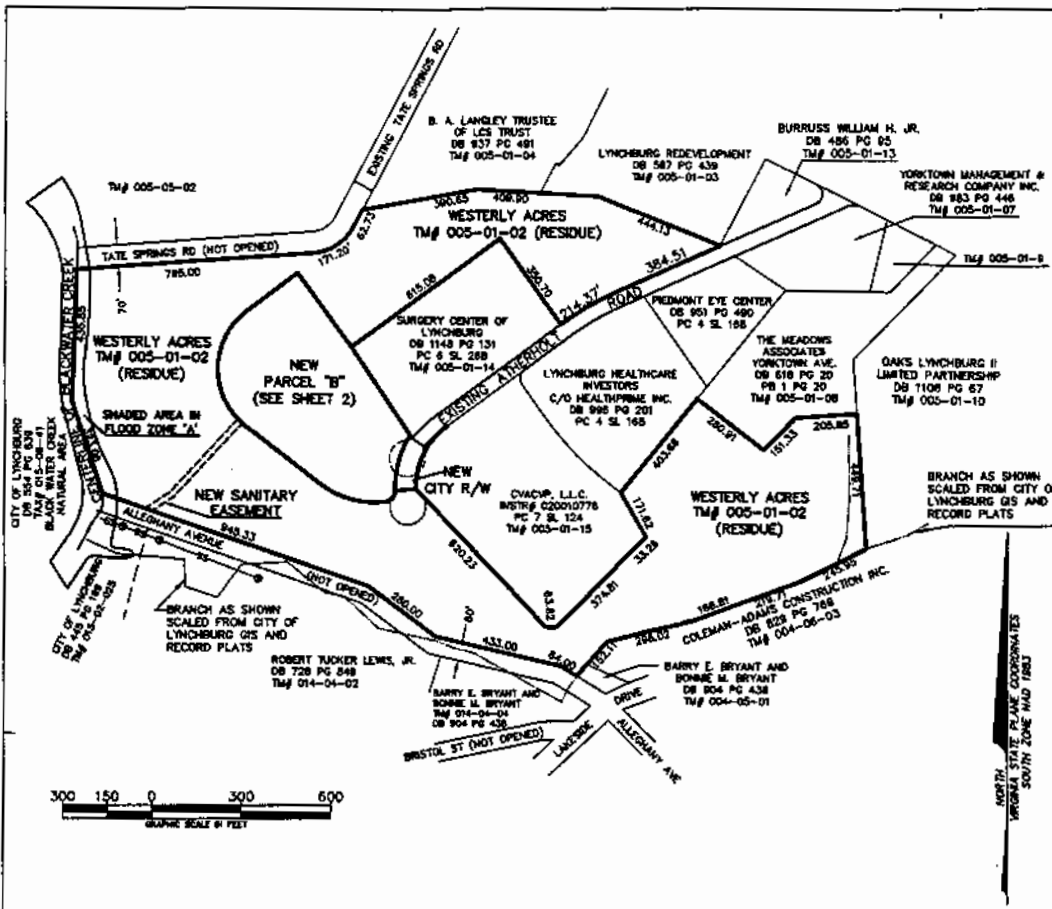
CLERK OF COUNCIL, LYNCHBURG, VIRGINIA DATE

PRELIMINARY

PROJECT NO. 20040812
G.L. NO. 229-14-83.1
FILE NO. SL-10669
DATE: 11-19-04
DRAWN BY: MBT
CHECKED BY: MWC

HURT **PROFFITT**

SHEET NO.
2 OF 2



INSERT MAP SHOWING RESIDUE PROPERTY

SOURCE OF TITLE:
DEED OF GRANTORS TO TRUSTEES
GRANTORS:
 WILLIAM H. BURRUSS, JR. AND SHARON C. BURRUSS
GRANTEES:
 THE WILLIAM H. JR. AND SHARON C. BURRUSS REVOCABLE LIVING TRUST
 DB 854 PG 79
 PROPERTY KNOWN AS "WESTERLY ACRES LYNCHBURG - VA"

ALL SOURCE INFORMATION SHOWN ON THIS PLAT IS RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT IN THE CITY OF LYNCHBURG, VIRGINIA.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT. DISTANCES SHOWN FOR RESIDUE TRACT ON SHEET 1 OF 2 ARE FROM RECORD DATA AND ARE NOT PART OF THE FIELD SURVEY.

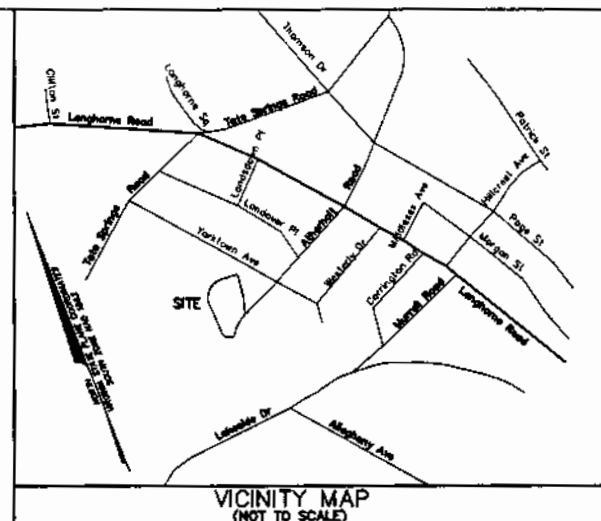
THIS PROPERTY IS LOCATED IN ZONE "C" EXCEPT FOR AREA SHADED IN GRAY ON THE INSERT MAP, WHICH IS WITHIN FLOOD HAZARD ZONE "A" FOR A 100 YEAR FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAP TITLED "CITY OF LYNCHBURG, VIRGINIA COMMUNITY-PANEL NUMBER 510093 0010 B" AND DATED "SEPTEMBER 1, 1978" BY THE "U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" ALL FLOOD PLAIN INFORMATION SHOWN IS SCALED FROM MAP DESCRIBED.

NO PUBLIC UTILITIES ARE PLANNED FOR THIS SUBDIVISION AT THIS TIME.

PUBLIC WATER IS AVAILABLE FOR PARCEL "B".
 PUBLIC SANITARY SEWER IS AVAILABLE FOR PARCEL "B".

SURVEYED FOR:
 MILTON REALTY SERVICE COMPANY

THE OWNER/SUBDIVIDER IS NOT PLACING RESTRICTIONS ON THE PROPERTY AT THIS TIME.



THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

THE OWNER OF THIS SUBDIVISION AGREES TO CONSTRUCT A SANITARY SEWERAGE SYSTEM WITHIN THE BOUNDARIES OF THE SUBDIVISION TO MEET THE POLICES, REGULATIONS AND STANDARDS OF THE CITY.

OWNER REPRESENTATIVE _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA
 COUNTY/CITY OF _____

I, _____, A NOTARY PUBLIC IN
 AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
 OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
 ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
 OF _____ 20____ MY COMMISSION
 EXPIRES _____

NOTARY PUBLIC _____

SUBDIVISION, EASEMENT & RIGHT-OF-WAY DEDICATION PLAT APPROVED:

DIRECTOR OF ENGINEERING, LYNCHBURG, VIRGINIA _____ DATE _____

CITY PLANNER, LYNCHBURG, VIRGINIA _____ DATE _____

CLERK OF COUNCIL LYNCHBURG, VIRGINIA _____ DATE _____

PRELIMINARY

ENGINEERING IS SERVING TO PLANNING
HURT
PROFFITT
 INCORPORATED
 2524 LONGHORN ROAD
 LYNCHBURG, VA 24001
 (434) 847-7700 FAX
 (434) 847-7047 FAX

PLAT SHOWING
DIVISION OF PART OF WESTERLY ACRES
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 2004-0812
 G.L. NO. 229-14-83.1
 FILE NO. SL-10009
 DATE 11-19-04
 DRAWN BY: MBT
 CHECKED BY: HWC

HURT
PROFFITT

SHEET NO.
 1 OF 2